

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Andrey A. BOUKHAROV *et al.*

Appeal No.: 2003-1746

Appln. No.: 09/620,392

Filed: July 19, 2000

For: **Plant Genome Sequence and Uses Thereof**

Confirmation No. 2901

Art Unit: 1631

Examiner: S. Zhou

Atty. Docket: 16517.112

**Withdrawal of Request for Extension of Time to Seek Judicial Review
under 37 C.F.R. § 1.304**

Mail Stop 8

Director of the U.S. Patent and Trademark Office

P.O. Box 1405

Alexandria, VA 22313-1450

Sir:

Appellant hereby withdraws the request that the time for seeking judicial review of the Board of Patent Appeals and Interferences ("Board") decision in the above-captioned appeal ("Decision") be extended.

On August 20, 2004 Appellant requested that the time for seeking judicial review of the Board's decision be extended pending the United States Court of Appeals for the Federal Circuit's ("Federal Circuit") decision in a related appeal, *In re Fisher*. Subsequently, on August 27, 2004 Appellant filed a notice of appeal to the Federal Circuit in the above-captioned case. For these reasons, Appellant respectfully withdraws the

I hereby certify that the foregoing Withdrawal of Request for Extension of Time to Seek Judicial Review under 37 C.F.R. § 1.304 is being facsimile transmitted to the Solicitor's Office via facsimile number (703) 305-9373.

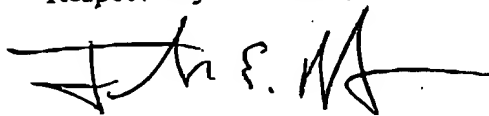

Thomas E. Holsten (Reg. No. 46,098)

September 7, 2004
Date

Appeal No. 2003-1746
Appln. No. 09/620,392
Andrey A. BOUKHAROV *et al.*
Atty. Docket: 16517.112
Page 2

request that the time for seeking judicial review be extended. Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)
Thomas E. Holsten (Reg. No. 46,098)

Date: September 7, 2004

Of Counsel

Lawrence M. Lavin, Jr. (Reg. No. 30,768)
Thomas E. Kelley (Reg. No. 29,938)

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September 7, 2004

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VIA FACSIMILE

Appeal No. 2003-1746
Confirmation No. 2901

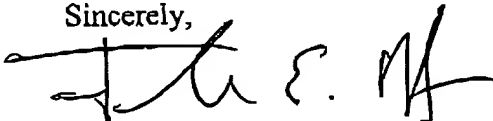
Re: U.S. Patent Application Serial No. 09/620,392 filed July 19, 2000
Inventors: Andrey A. BOUKHAROV *et al.*
Title: Plant Genome Sequences and Uses Thereof
Atty. Dkt: 16517.112

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office, is a Withdrawal of Request for Extension of Time to Seek Judicial Review under 37 C.F.R. § 1.304. It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

It is not believed that any fees are due in conjunction with this filing. However, if any fees are required in the present application, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.112.

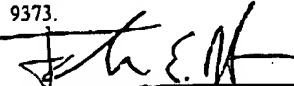
Sincerely,



Thomas E. Holsten (Reg. No. 46,098)
David R. Marsh (Reg. No. 41,408)

Enclosure

I hereby certify that the foregoing transmittal letter and Withdrawal of Request for Extension of Time to Seek Judicial Review under 37 C.F.R. § 1.304 is being facsimile transmitted to the Solicitor's Office via facsimile number (703) 305-9373.



Thomas E. Holsten (Reg. No. 46,098)

September 7, 2004
Date

SOLICITOR

SEP 07 2004

U.S. PATENT & TRADEMARK OFFICE

ARNOLD & PORTER LLP

202.942.5000
202.942.5999 Fax555 Twelfth Street, NW
Washington, DC 20004-1206**Fax Transmittal**

September 7, 2004

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MESSAGE				

Re: U.S. Patent Application Ser. No. 09/620,392 filed July 19, 2000
Appeal No. 2003-1746
Confirmation No. 2901
Title: Plant Genome Sequences and Uses Thereof
Inventors: Andrey A. BOUKHAROV *et al.*
Atty. Dkt.: 16517.112

Please see the attached.

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